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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,066	03/30/2006	Theodore J. Letavic	PHUS030376	9392
65913	7590	12/26/2008	EXAMINER	
NXP, B.V.			GEBREMARIAM, SAMUEL A	
NXP INTELLECTUAL PROPERTY DEPARTMENT				
M/S41-SJ			ART UNIT	PAPER NUMBER
1109 MCKAY DRIVE				2811
SAN JOSE, CA 95131				
		NOTIFICATION DATE	DELIVERY MODE	
		12/26/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[ip.department.us@nxp.com](mailto:ip.department.us@nxp.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,066	<b>Applicant(s)</b> LETAVIC, THEODORE J.
	<b>Examiner</b> SAMUEL A. GEBREMARIAM	<b>Art Unit</b> 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 6-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/30/06

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of claims 1-5 in the reply filed on 10/23/08 is acknowledged. The traversal is on the ground(s) that the office action fails to provide sufficient support for the restriction. This is not found persuasive because, in the restriction requirement that was mailed on 9/23/08 ample reason was provided. As stated in last office action, an implementing or a doping step is not the only process to make the claimed device. For example instead of doping, one can start with a doped PI region.

The requirement is still deemed proper and is therefore made FINAL.

***Specification***

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.  
  
4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what the limitation of "a gate oxide having multiple oxide thicknesses for formation of gate and field-oxide regions" mean.

Regarding claim 5, it is not clear what element of the device has a circular geometry.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warwick, US 2001/0023957.

Regarding claim 1, Warwick teaches a hybrid MOS-bipolar device comprising a trench MOS device having at least source (13A), gate (21), drain (14) and body regions (15A).

Warwick does not explicitly state that the gate and the body being shorted together and biased positively relative to the drain.

However shorting a gate and a body region is conventional and well known that is routinely practice to use transistors as a breakdown diodes.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to short the body and the gate as claimed in the structure of Warwick, in order to use the MOS device as a breakdown diode.

Regarding claim 2, Warwick teaches substantially the entire claimed structure of claim 1 above except explicitly stating that a gate oxide having has a single oxide thickness of under 600A .

Parameters such as oxide thickness in the art of semiconductor manufacturing process are subject to routine experimentation and optimization to achieve the desired device characteristics during fabrication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the oxide thickness as claimed in the structure of Warwick, in order to use the MOS device as a breakdown diode.

Regarding claim 3, as best the examiner is able to ascertain the claimed invention, Warwick teaches substantially the entire claimed structure of claim 1 above including a gate oxide having multiple oxide thicknesses for formation of gate and field-oxide regions (Warwick teaches device isolation regions).

Regarding claim 4, Warwick teaches substantially the entire claimed structure of claim 1 above including a square trench geometry (figs. 6 and 7).

Regarding claim 5, as best the examiner is able to ascertain the claimed invention Warwick teaches substantially the entire claimed structure of claim 1 above including having a circular geometry (circular trenches are well known).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A Gebremariam whose telephone number is (571) 272-1653. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on (571) 272-1670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2811

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SAG/

December 22, 2008

/Samuel A Gebremariam/

Examiner, Art Unit 2811